

### REMARKS

Claims 1-12 remain in the present application. Applicants respectfully request further examination and reconsideration of the rejections based on the amendments and arguments set forth below.

### Oath or Declaration

The originally-filed Oath or Declaration is defective as it does not identify the citizenship of each inventor. Applicants are currently in the process of locating the inventors such that a new Oath or Declaration that correctly lists the citizenship of each inventor may be submitted.

### Claim Rejections – 35 U.S.C. §102

Claims 1-12 are rejected in the present Office Action under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 6,199,050 to Alaia et al. (hereafter referred to as “Alaia”). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-12 are neither anticipated nor rendered obvious by Alaia for the following reasons.

Applicants respectfully direct the Examiner to independent Claim 1 that recites an auction method for implementing automatic extension of an auction in response to bidding activity from auction participants comprising (emphasis added):

- a) setting an end time for concluding an auction;
- b) receiving bids from remote bidders via a distributed computing network;

- c) determining whether a predetermined number of bids are received within a predetermined time of the auction end time;
- d) if a greater number of bids are received within the predetermined time, extending the duration of the auction automatically and setting a new auction end time; and
- e) notifying auction participants of the new auction end time.

Independent Claim 8 recites limitations similar to independent Claim 1. Claims 2-7 and 9-12 depend from independent Claims 1 and 8 and recite further limitations to the claimed invention.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “extending the duration of the auction” as recited in independent Claim 1. As recited and described in the present application, the duration of the auction is extended if the bids received exceed a given threshold.

In contrast to the claimed embodiments, Applicant understands the cited portion of Alaia to teach that the duration of auctions should *not* be extended. For example, Alaia teaches that extending the duration of auctions creates interference with the ending of other auctions, thereby resulting in lost bidding opportunities on other auctions (col. 6, lines 50-58). As such, not only does the cited portion of Alaia fail to teach or suggest extending the duration of an auction, Alaia teaches away from the claimed embodiments by teaching that the duration of auctions should *not* be extended.

For these reasons, Applicants respectfully submit that independent Claim 1 is neither anticipated nor rendered obvious by Alaia, thereby overcoming the 35 U.S.C. §102(b) rejection of record. Since independent Claim 8 recites limitations similar to those discussed above with respect to independent Claim 1, independent Claim 8 also overcome the 35 U.S.C. §102(b) rejections of record. Since dependent Claims 2-7 and 9-12 recite further limitations to the invention

claimed in their respective independent Claims, Claims 2-7 and 9-12 are also neither anticipated nor rendered obvious by Alaia. Therefore, Claims 1-12 are allowable.

CONCLUSION

Applicants respectfully submit that Claims 1-12 are in condition for allowance and Applicants earnestly solicit such action from the Examiner.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

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Dated: 1/16, 2007

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